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TRANSLATION.

ADAPTATION

OF THE

ELECTORAL LAW OF JUNE 26, 1890,

TO THE

ISLANDS OF CUBA AND PORTO RICO.

DIVISION OF CUSTOMS AND INSULAR AFFAIRS.
WAR DEPARTMENT.
August, 1899.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1899.

Bobo

ROYAL DECREE.

In accordance with the opinion of my council of secretaries and by virtue of the authority granted my Government by article 89 of the constitution of the monarchy:

In the name of my august son the King, Don Alfonso XIII, and as Queen Regent of the Realm,

I decree the following:

ARTICLE 1. The electoral law of June 26, 1890, shall be promulgated and enforced in the islands of Cuba and Porto Rico, with the modifications which, in order to adapt it to the conditions of those territories, have been introduced in the text which is published immediately after this decree.

ART. 2. The colonial department shall issue the regulations and other necessary provisions for the execution of this decree, of which the Government shall inform the Cortes.

Given at the Palace November twenty-fifth, one thousand eight hundred and ninety-seven.

MARIA CRISTINA.

PRAXEDES MATEO SAGASTA,
President of the Council of Secretaries.

ADAPTATION OF THE ELECTORAL LAW OF JUNE 26, 1890, TO THE ISLANDS OF CUBA AND PORTO RICO.

TITLE FIRST.

GENERAL PROVISIONS FOR ELECTIONS.

CHAPTER I.—*The electoral franchise.*

ARTICLE 1. All male Spaniards over twenty-five years of age who are in the full enjoyment of their civil rights and are residents of a municipality in which they have resided at least two years, are electors in the islands of Cuba and Porto Rico.

Noncommissioned officers and privates of the navy or army can not cast votes while they are serving in the ranks.

The same suspension is established with regard to those who are in similar circumstances in other corps or armed institutions under the orders of the State, province, or municipality.

ART. 2. The following can not be electors:

1. Those who have been sentenced by a final sentence to perpetual loss of political rights and disqualification for public offices, notwithstanding that they have been pardoned, unless they have previously obtained their personal rehabilitation by means of a law.

2. Those who, by a final sentence, have been condemned to a corporeal penalty, if they have not obtained the rehabilitation at least two years before their inscription in the census.

3. Those who, having been condemned to other penalties by means of a final sentence, do not prove that they have fulfilled the same.

4. Bankrupts or insolvents not discharged in accordance to law and who do not prove by means of documents that they have liquidated their obligations.

5. Debtors to public funds as taxpayers.

6. Persons being taken care of in charitable institutions or who, at their own request, have been administratively authorized to beg public charity.

CHAPTER II.—*The electoral census.*

ART. 3. In order to exercise the electoral franchise it is necessary to be inscribed in the electoral census, which is the register containing the name and paternal and maternal surnames, if there should be any, of the Spanish citizens qualified as electors.

The census is permanent and shall not be modified except by virtue of the annual revision.

ART. 4. The formation, revision, custody, and inspection of the census shall be in charge, according to the respective powers, of the central board established by the law of June 26, 1890, of provincial boards, and of municipal boards which shall be denominated boards of the electoral census.

Provincial boards shall reside in the capitals of each province, and municipal boards in each municipality. All of them are of a permanent character.

The provincial boards shall be presided over by the associate justices of the audiencia of the respective province, who may be appointed by the presiding judge of the territorial audiencia to which it appertains, and the municipal boards shall be presided over by the judges of first instance, and in their absence by the public officials who may be selected for this purpose by the presiding judge of the audiencia of the province.

The number of members of provincial boards shall be fifteen, and in order to deliberate and adopt resolutions the concurrence of nine members shall be necessary.

The following are *ex officio* members of provincial boards:

1. The president and the vice-president of the respective deputation.
2. The senior ex-president of the same deputation who resides in the province.
3. Four taxpayers selected by lot from among those who pay the first quota by reason of land tax and are residents of the province.
4. Four taxpayers selected by lot from among those who pay the first quota by reason of industrial tax and are residents of the province.
5. Four residents of the same who prove, by means of an official diploma, their professional or academical qualifications.

The number of substitutes of the taxpayers shall be eight who pay the land tax, and eight more who pay the industrial tax, who pay the highest quotas, residing in the province; and the substitutes of the residents having an official diploma shall be the persons who possess the same qualifications required of the former. All of them shall be selected by lot.

The sortitions of taxpayers, qualified electors, and their substitutes shall take place in a public ceremony, before the audiencia of the respective province, by the presiding judge of the same.

The following are members *ex officio* of the municipal boards:

1. The mayor and the syndic of the municipal council.
2. The municipal judge and the *fiscal.*
3. The ex-mayors residing in the municipality.
4. Four highest taxpayers paying the land tax and four paying the industrial tax, also residents of the municipality.
5. Four residents of the same who prove, by means of an official diploma, their professional or academical qualifications.

The taxpayers and qualified electors shall be selected by lot by the president of the municipal board in a public session before the munici-

pal council, in the manner prescribed for provincial boards. In the same act and in a similar manner the substitutes shall be selected.

Municipal boards can not deliberate nor adopt resolutions without the concurrence of twelve members at least.

The secretaries of the audiencias shall be the secretaries of the provincial boards, and the secretaries of the courts of first instance, those of the municipal boards, and in their absence those of the municipal courts, shall be said secretaries of the municipal boards.

The secretaries shall not have the right of speech nor of vote, and shall be assisted by the employees of the respective secretaries' offices.

For all sessions which boards are to hold, the respective president shall call the ex officio members and the number of substitutes he may consider necessary. If, notwithstanding this, a sufficient number should not assemble, the session shall be held the following day, after a call of all the substitutes who reside in the capital and with the number of those who may attend.

CHAPTER III.—*Ballots.*

ART. 5. In each electoral section there shall be a committee which shall preside over the election, composed of one president and of the supervisors appointed by the board of the census, and by the candidates who, having a right to appoint them, make use of the same.

This board shall be the provincial one when elections of deputies to the Cortes, of representatives, or of provincial deputies are in question, and the municipal board when councilors are to be elected.

ART. 6. In every call for a general or partial election one single day shall be assigned, which shall always be on Sunday, for voting.

Voting shall take place simultaneously in all the sections on the day fixed, beginning punctually at eight o'clock in the morning and continuing without interruption until four o'clock in the afternoon, at which time it shall be declared as definitely closed and the counting of votes shall begin.

ART. 7. Balloting shall be secret, on slips of paper, and shall be made in the manner prescribed by the regulations.

ART. 8. There can never in any case whatsoever be at the door of the electoral college a force from an armed institution, nor can it enter the same except on account of disturbance of the public order and when called upon by the president.

TITLE II.

Special provisions for elections.

CHAPTER I.—*Elections of senators.*

ART. 9. The Spaniards who possess the qualifications mentioned in article 22 of the Constitution of the Monarchy are eligible for senators, provided they are not included in any of the cases of disqualification or incompatibility established by the law.

ART. 10. The elections of senators shall be made in accordance with the provisions of the laws of February 8, 1877, and January 9, 1879.

Senators, after being admitted by the Senate, represent the nation individually and collectively.

CHAPTER II.—*Elections of deputies to the Cortes.*

ART. 11. All male Spaniards who are laymen over twenty-five years of age, in the full enjoyment of all civil rights, provided they are not included in any of the cases of disqualification or incompatibility established by the law, are eligible for the office of deputies to the Cortes.

ART. 12. The deputies to the Cortes shall be elected directly by the electors of the electoral districts, subject to this law and to the regulations; but, after being appointed and admitted by the Congress, they represent the nation individually and collectively.

ART. 13. The provisions of the electoral law of the Peninsula of June 26, 1890, which refer specially to the election and the exercise of the office of deputy to the Cortes, are applicable to the deputies to the Cortes for the islands of Cuba and Porto Rico. For this purpose there are inserted as appendices to the present law the corresponding articles in the manner in which they are to be observed in connection with this law.

CHAPTER III.—*Elections of councilors of administration, representatives, provincial deputies, and councilors.*

ART. 14. Spaniards who possess the qualifications required for these offices in the constitution of the islands of Cuba and Porto Rico may be councilors of administration and representatives.

ART. 15. Spaniards who have the qualifications to be deputies to the Cortes and who are natives of the province, or who have resided four consecutive years in the same, may be provincial deputies.

ART. 16. There may be elected as councilors of municipalities having more than one hundred residents, those who besides having resided at least four years without interruption in the municipal district, pay a direct tax of those which are included in the locality, the two first thirds of the lists of taxpayers paying the land tax and the industrial and commercial subsidy; and in municipalities having less than one thousand and more than four hundred residents those who pay quotas included in the first four-fifths of the said lists. In municipalities which do not have more than four hundred residents, all the electors are eligible.

In the number of eligibles there shall furthermore be included all those who pay a quota equal to the lowest one which in each municipal district it is necessary to pay in order to be eligible, in accordance with the foregoing paragraph.

Persons who are residents, and who pay a tax, and prove by means of an official diploma their professional or academical qualifications, shall also be eligible.

Persons who suffer a reduction in the salary they receive from the general, provincial, or municipal funds are also eligible, provided the amount of the reduction is included in the proportion previously indicated for eligibles in towns of one thousand and four hundred residents, respectively.

The quota shall be estimated by adding together those which the taxpayers pay within and without the town, by reason of a direct tax and on account of municipal surtaxes. In order to compute the assessment to electors and eligibles, there shall be considered as private property, with regard to husbands, that of their wives during the existence of the conjugal partnership; with regard to parents, that of their children which they legally administer; with regard to children, their own property, the use of which they do not enjoy, for any reason whatsoever.

ART. 17. Persons who are included in any of the cases of disqualification or incompatibility established by the respective laws can not be elected to any of the offices referred to in the three foregoing articles.

ART. 18. The electors determined by article 25 of the electoral law for senators of the Peninsula shall be the electors of councilors of administration. The provisions of Chapter IV of said law shall be applied to the formation of the lists of electors and to the election of the councilors of administration in the manner which may be determined by the regulations.

ART. 19. In districts in which a representative, a provincial deputy, or a councilor is to be elected each elector can not validly give his vote to more than one person; when more than one up to four are to be elected, he shall be entitled to vote for one less than the number of those to be elected in his respective district; for two less if more than four are to be elected, and for three less, if more than eight are to be elected.

The other provisions relating to electoral procedure shall be those determined in the respective organic laws and in the regulations.

TITLE III.

PENAL SENTENCES.

CHAPTER I.—*Crimes.*

ART. 20. A forgery committed in documents referring to the provisions of this law, in any of the forms indicated in article 310 of the penal code of Cuba and Porto Rico, constitutes the crime of forgery in electoral matters, which shall be punished with the penalties established in said article or in the following one, according to the character of the persons responsible.

Any intentional omission in the documents referred to in the foregoing article which may affect the result of the election, constitutes the same crime and shall be punished with the same penalties.

ART. 21. The courts, however, shall reduce the penalties by one or two degrees, imposing the same in the degree they may deem proper, according to the special circumstances of the case, the scandal or alarm which they may have given rise to, and provided they were not committed in conjunction with other crimes punishable by the code.

ART. 22. For the purposes of this law the following are official documents: The census and its certified copies, the certificates of election lists, certifications, and any others which emanate from a person whom the law intrusts with their issue, be their purpose either to facilitate or to prove the right to the exercise of the electoral franchise or its result, or to guarantee the regularity of the proceedings.

ART. 23. Public functionaries who do not fully and strictly comply with the duties imposed by this law, or by the provisions which may be issued for its execution, who contribute to any of the following acts or omissions shall be punished by imprisonment of from one to six months and by a fine of from 500 to 5,000 pesetas, when the general provisions of the penal code do not fix a higher one:

1. That the lists of electors, either preparatory or definite, are not exactly drawn up, or are not exhibited to the public during the proper period and in the proper place.

2. To any change of days, hours, or place in which any ceremony is to be held, or to which the mode of designation may lead to error.

3. To fraudulent management of the operations relating to the formation of the census, organization of the boards and electoral colleges, balloting, resolutions or examinations of ballots, and nominations of candidates.

4. That the acts or electoral documents are not drafted with the due correctness and expression, or are not signed by all those who should do so, or that they do not go through the proper procedure.

5. To change or alter the ballot which the elector delivers in making use of his right of suffrage, or to hide it from the view of the public before depositing it in the ballot box.

6. To prevent or place difficulties in the way of electors, candidates, or notaries; to examine the ballot box in person before the voting begins, and in making the examination of the ballots which may be extracted from the same.

7. To intentionally make an incorrect memorandum in such manner that the names of the voters in any act are rendered obscure.

8. To the incorrect counting of votes in resolutions referring to the formation or rectification of the census, or to electoral operations, and also to the incorrect reading of ballots.

9. In making public the secrecy of the vote or of the election, in order to influence its result.

10. To an improper proclamation of a person.

11. To the lack of truth in a verbal statement to be made in an electoral act, or which, by any action or omission, tends to evade or render the proper knowledge of the electoral truth difficult.

12. To suspend, without serious and sufficient reasons, any electoral act.

ART. 24. Private parties who contribute directly to the commission of any of the crimes enumerated in the foregoing article shall be punished by long imprisonment (arresto mayor) in its minimum degree, when the act they execute or the omission they incur is not punished by a greater penalty according to the penal code.

ART. 25. Any act, omission, or statement, contrary to this law, or to the provisions of a general character issued for its execution, which, although not included in the foregoing articles, is designed to hinder or exercise pressure on electors, in order to make use of their right or to abandon it against their will, constitutes the crime of electoral duress; and, if it has not been foreseen and punished in the penal code with a greater penalty, shall be punished by a fine of from one hundred and twenty-five to two thousand five hundred pesetas.

ART. 26. The following also commit the crime of electoral duress, although the intention of hindering or exercising pressure on electors is not evident, and shall incur the penalty mentioned in the foregoing article:

1. Civil, military, or ecclesiastical authorities who order or recommend electors to give or refuse their vote to a certain person, and those who, making use of official means of agents, or authorizing themselves with seals, envelopes, stamps, or letter heads which may have this character, recommend or condemn certain candidacies.

2. The public functionaries who institute or dispatch administrative proceedings relating to denunciations, fines, arrears of accounts, civic property, forests, public granaries, or any other branch of the administration, from the date of the call until the election is concluded.

3. The officials from the secretary of the crown inclusive downward who make appointments, removals, transfers, or suspensions of clerks, agents, or employees of any branch of the central, provincial, or municipal administration in the period intervening between the call until after the general examination of the election has been made, provided said acts are not based on a legitimate cause and do not affect in any manner the section, college, district, judicial district, or province where the election is held.

The reason for the removal, transfer, or suspension must necessarily be mentioned in the order, which shall be published in the Gazette of Madrid and in those of Havana or Porto Rico, if it emanates from the central administration, and in the official bulletin of the respective province if it was issued by the provincial or municipal administration. If these formalities are omitted it shall be considered that it has been made without cause.

The royal decrees of orders relating to civil governors of provinces and to military chiefs are excepted from these requisites.

Removals, transfers, or suspensions ordered and not communicated to the persons interested during the electoral period can not be carried

out during the same except in the exceptional cases and manner defined in this number.

ART. 27. The following shall also incur the penalties mentioned in article 25 when greater ones are not applicable, in accordance with the provisions of the penal code:

1. Those who, by means of promises, gifts, or remuneration, solicit, directly or indirectly, the vote of any elector in favor or against a candidate.

2. Persons who cause electors to become intoxicated in order to obtain or insure their support.

3. Persons who vote two or more times at an election, take another name to vote, or do so when they are disqualified, or their right of suffrage is suspended.

4. Persons who knowingly consent without protest, should they be able to do so, to the casting of a vote mentioned in the cases of the foregoing number.

5. Persons who refuse or hinder the admission, proceeding, and resolution of protests or complaints of electors, or do not give a receipt to the person who makes the same.

6. Persons who omit the announcements and proclamations of notification ordered by the law, or who do not issue or have issued as soon ordered thereby a certification of electoral acts which has been requested.

7. Persons who, in any other manner not foreseen in this law, prevent an elector from exercising his rights or complying with his duties, or render the same difficult.

8. Persons who maliciously incite or maintain, without a sufficient reason, doubts as to the identity of a person or the entity of his rights.

ART. 28. Public officials who cause an elector on the day of the election, or on the day on which he can and desires to execute an electoral act, to leave his domicile or residence, or remain away therefrom, even though it be for the public service, or those who detain him, depriving him in similar cases of his liberty, shall, besides the penalties respectively indicated in the second paragraph of article 210 and in article 221 of the penal code, incur that of absolute perpetual disqualification.

ART. 29. Those who prevent or render difficult the free entry or exit of the electors in the place in which they are to exercise their right, their approximation to the electoral tables, the presence of notaries, candidates or electors, in such manner that they can not, or it is not easy for them to execute their commission or right, and to ascertain the regularity of such acts, shall incur, if they are public officials, the penalty of long imprisonment (arresto mayor) in its lowest degree and a fine of 500 to 2,500 pesetas; and if they are private parties the same penalty in its lowest degree, unless greater penalties are indicated in the penal code, in which case the latter shall be applied.

ART. 30. Public officials who do not deliver or who maliciously delay the delivery of documents requested by a special commissioner shall be punished as guilty of the crime of serious disobedience to the authority,

without prejudice to the disciplinary liability they may incur at the same time.

ART. 31. The crimes provided for in the penal code relating to electoral matters shall be punished, when the special provisions of the foregoing articles are not applicable, by the penalties designated by the said code, and furthermore by a fine of 125 to 1,250 pesetas, in case a penalty of this class does not correspond to the former.

ART. 32. Common penalties for all the crimes directly related with the provisions of this law, be they either provided for in the same or in another one, shall be those of special temporary to perpetual disqualification for the right of suffrage when the guilty person is or has the character of a public official, or the suspension of the same right when he is a private person.

In cases of repetitions of crimes of this character the corresponding disqualifications for officials shall be absolute perpetual and for private parties absolute temporary disqualification besides the corresponding penalties.

CHAPTER II.—*Infractions.*

ART. 33. All lack of compliance with the obligations and formalities which this law or the provisions which may be issued for its execution impose on any persons who take part in an official character in electoral operations shall be corrected by a fine of 25 to 1,000 pesetas, if it does not constitute a crime.

Officials who for any reason whatsoever, which is not absolute incapacity duly justified, do not comply with any of the services intrusted to them by this law or its regulations, shall incur the said fine, which the board of the census to whom the service should have been rendered shall decree, with the exceptions of the prescriptions of article 42.

Presidents of provincial and municipal boards who, being obliged to receive one of the documents mentioned in any of the provisions of this law or of the regulations, shall incur the same liabilities if they do not order under their liability that they be immediately received by a special commissioner at the cost of the person who should have sent them.

Those who in such case do not inform the central board of having complied with this duty shall be corrected in the same manner.

ART. 34. The following shall also be corrected in the same manner as prescribed in the foregoing article:

1. Those assisting at electoral acts who, in a manner which does not constitute a crime, disturb the order or lack the due respect.

2. Those who, having a right to enter the electoral colleges or the boards of examination of votes, do not leave the place at the first intimation of the president.

3. Those who enter a college, section, or electoral board with arms, sticks, canes, or umbrellas, unless they are an authority or are not physically incapacitated.

4. Notaries who, attempting to discharge their functions, do not give previous information of their intention to the person presiding over the ceremony.

5. Officials and private parties through whose fault persons concerned do not receive, in the periods fixed, and in the manner established in the law, any communication, announcement, instrument, or document which must be forwarded without prejudice to the provisions of number 4 of article 23.

6. Members ex officio and substitutes of the boards of the census who, without just cause, are not present at the session for which they were called without having excused themselves at the proper time.

The following shall be just causes for the nonattendance at sessions:

1. Absence from the place in which they are to be held.

2. Duties of more importance to the public service.

3. Reasons of personal health or family reasons, or private occupations which can not be postponed.

4. The reasons by virtue of which the president or its members do not attend the central board.

CHAPTER III.—*Provisions common to the two foregoing chapters.*

ART. 35. For the purposes of this law as public officials shall be considered those who are appointed by the Government, and those who by reason of their office discharge any function related with the elections, as well as the presidents and the members of the boards of the electoral census and the presidents and supervisors of the committees and boards for the examination of ballots.

ART. 36. The ordinary jurisdiction is the only competent one to take cognizance of electoral crimes no matter what may be the personal position of the guilty parties.

For the purposes of the provisions of this title, by electoral crimes shall be considered those specially mentioned in this law and those which, being mentioned in the penal code, specially affect electoral matters.

ART. 37. When a crime is committed within the electoral college or board the president shall order the presumed criminals arrested and placed at the disposition of the judicial authority.

The criminal prosecution arising from crimes specially of an electoral character is public, and may be instituted at any time within two months after the period of the mandate conferred by the election.

For its institution no deposit or bond shall be required.

Judges and courts shall proceed in accordance with the rules of criminal procedure.

ART. 38. No authority shall be necessary in order to indict any official.

The causes in which, by means of a final sentence, responsibility for due obedience is excused shall be forwarded without delay to the court

which is competent to proceed against the person who gave the order which was obeyed. The period of the limitation referred to in the preceding article shall be suspended, with regard to the authority or person obeyed, from the time of the institution of the proceedings until the day on which the competent court may have received the final sentence in which the exemption of liability of the person who obeyed is declared.

When the authority who gave the order is a secretary of the Crown, or when his liability appears to be indicated in any manner whatsoever, the court taking cognizance of the proceedings shall forward the latter without delay to the congress of deputies, notwithstanding that the sentence in which the exemption of liabilities is declared is final, or that the data which result from the same are indicative of the liability of the secretary.

ART. 39. In all cases the general and the special provisions of the penal code are applicable to the crimes mentioned in this law, in so far as said provisions relate to the estimation of the crimes as consummated, frustrated, or attempted, to the participation in the same of the different persons who are the subject of the proceedings, to the mitigating circumstances of the liability, and to the consequent graduation and application of the penalties.

ART. 40. The court which is to issue the final sentences shall order the publication of the latter in the official bulletin of the province in which the crime was committed, and shall forward a copy of this newspaper to the central board of the census.

ART. 41. No petition for pardon in a cause for electoral crimes shall be admitted by the colonial department nor acted upon by the courts nor by the council of state, unless it previously appears that the petitioners have served at least half of the time of their sentence in the personal penalties and satisfied the entire pecuniary ones, as well as the costs. The authorities and the members of the corporation of whatsoever order or hierarchy who infringe this provision, giving rise to the petition for pardon being submitted to the King, shall incur the liability established in article 369 of the penal code.

The Government shall inform the central board of the census of all grants of pardons.

ART. 42. The correction of infractions appertains—

1. To the presidents of the ceremony or session in which they are committed.

2. To the municipal or provincial boards of the census in those which are respectively related with the ceremonies which said boards or their presidents are to take cognizance of.

Municipal boards can not, however, order any correction of superiors; but if they should understand that the provincial board has committed some infraction, they shall immediately inform the central board for the proper resolution.

When the judges do not forward to the boards of the census the documents necessary for the formation or rectification of the latter in

accordance with the regulations, they shall communicate it to the presiding judge of the respective territorial audiencia, in order that he may impose the correction, and they shall report the same to the central board.

3. To the central board, with relation to other penalties.

The imposition of the fines shall be made by means of a written resolution, stating the reasons therefor. Those which may be imposed by virtue of the provisions of the first paragraph of this article, or by the municipal boards, shall be demandable before the provincial board, within the two days following the notification, which board shall limit itself to confirming or annulling the resolution.

Resolutions annulling those of provincial boards, as well as those of the latter in the exercise of its own powers, may be appealed from within a similar period to the central board, which may increase, reduce, and confirm or remit the fine within the limit of its powers.

ART. 43. The presidents of an electoral college or of a board of examination of votes, the municipal boards, and the presidents of the latter can not impose fines exceeding 100 pesetas.

The presidents of a provincial board, as well as said boards, may impose fines up to 500 pesetas.

The central board and its president up to 1,000 pesetas.

ART. 44. The payment of these fines shall be made in the special paper which the public treasury may issue for the purpose, and which it shall deliver on account to the provincial deputations, charging on the same a tax of 20 per cent on its value. The rest of its amount shall be deposited in the respective provincial treasury.

If after six days from the conclusion of the resolution the fine has not been paid it shall be judicially collected.

In the case of the insolvency of the person fined he shall undergo a personal arrest at the rate of one day for each five pesetas of the fine; said imprisonment not to exceed ten days when it is imposed by the municipal board, its president, or the president of a committee; twenty days if it is imposed by the provincial board, its president, or by those of the boards for the examination of ballots, and of thirty if is imposed by the central board or its president.

TEMPORARY PROVISIONS.

First. Within the three days following the publication of this law in the gazettes of Havana and Porto Rico, there shall be established in each one of the capitals of the islands a board, which shall be denominated "Insular Board of the Electoral Census," composed of the Governor-General as the president; of the chambers of administration of the audiencias of Havana and Porto Rico, respectively; of ten members appointed by the Governor-General from among those having the highest standing, to represent the political parties of the island in the board, and of the secretary of the general government, who shall

have the right of speech but not of vote, and who shall discharge the duties of secretary. Furthermore, the civil governor of Havana shall form part of the insular board of the electoral census of the island of Cuba.

The powers of these boards shall be:

1. To inspect and direct the services referring to the formation and preservation of the census.

2. To preserve the printed copies of definite lists copied from the provincial registries.

3. To communicate through the president with all public authorities and officials.

4. To receive and decide all complaints which may be addressed to them.

5. To exercise disciplinary jurisdiction over all persons who take part in an official character in electoral operations, imposing fines up to 1,000 pesetas, which in a proper case judges of first instance shall collect by their command.

6. To decide questions which may arise in the execution of this law and in its regulations, adapting the provisions of both to the conditions of the islands in order to insure the independence and the truth of the vote.

Furthermore, the insular board of Cuba shall order what it may deem proper in order that the elections may be held in districts in which the state of the insurrection does not permit of the formation at the proper time of the electoral census, nor the holding of said elections in accordance with the provisions of this law and the regulations. For this purpose, for each one of said districts, it shall appoint delegates, who, together with seven of the highest taxpayers paying the land or industrial tax and seven qualified voters, shall hold the election in accordance with the instructions the insular board may give them.

Second. In compliance with the provisions of article 4 of this law, before the 26th of next December the presiding judges of the audiencias shall appoint the associate justices who are to preside over the provincial boards of the electoral census and the officials who are to preside over the municipal ones in localities where there are no judges of first instance.

Third. In order that elections may be held as soon as possible, and that the new political and administrative organisms may become operative in the islands of Cuba and Porto Rico, the following proceedings shall be observed:

On the 1st of January, 1898, at 8 o'clock in the morning, the president of the municipal board of the electoral census, appointed by the presiding judge of the audiencia of the province, shall proceed, in the chamber of sessions of the municipal council and in public session, with the installation of said municipal board in the manner prescribed by article 4 of this law.

Immediately thereafter the mayor shall submit the last poll and shall deliver to the president of the board a duplicate list by alphabetical order and with a correlative numeration of all the residents over twenty-five years of age who are included in said poll, stating their age, domicile, and profession, and whether they know how to read and write. All the sheets of this list shall be signed by the mayor and by the secretary of the municipal council.

Thereupon the president under his liability shall have one of the two copies of this list posted in the usual place for municipal edicts and proclamations, and he shall at the same time make public by means of a proclamation or by public crier that on the 5th of the said month of January, at 8 o'clock in the morning, the municipal board of the census shall assemble in public session in the chamber of sessions of the municipal council.

Before said 5th the judges of first instance shall forward to the presidents of the respective municipal boards of the census a certified list of the final judicial resolutions which affect the electoral qualifications of the residents of each municipality and the municipal judges a list also certified of the said residents who may have died since the date of the last five-yearly poll.

On the 5th of January the municipal board shall assemble in public session at the place and at the hour mentioned, and the president shall present the list of residents drawn up by the mayor, the last poll, and the certifications forwarded by the judges.

The board shall hear any claims which may be made regarding inclusions, exclusions, and rectifications. For claims for inclusion it shall be sufficient to prove by two witnesses that the individual whose inclusion in the list is requested possesses the legal qualifications to be an elector.

At the end of the public session the board shall immediately proceed to draw up the following lists:

1. Of all the residents who have the right of suffrage according to the poll.

2. Of the persons who have died subsequently to said poll, formed with the data forwarded by the respective municipal judges.

3. Of those who are disqualified.

These lists shall be published as prescribed in the first paragraph of this provision, on the three following days, during which an appeal may be taken to the provincial board.

At this session the municipal board shall order the distribution of the electors of the municipality into sections, if they should exceed five hundred, assigning to each section a number more or less equal, within the conditions of each locality.

After this has been done, the names of the electors of each municipality shall be copied in duplicate, in alphabetical order, from the first list, separating them according to sections, and these copies shall con-

stitute the definite lists. One of them shall be forwarded on the 9th of January, together with a certificate of the resolution of the division of the municipality into sections and of the claims which may have been presented to the provincial board of the census, which shall issue the resolutions it may deem proper; shall make in a proper case the necessary modifications, and shall order that the lists of electors be printed in the bulletin of the province before the 20th of January.

The printed copy of the list corresponding to each municipality, certified by the president and by the secretary of the provincial board, and after having been sealed, all sheets shall be forwarded in a registered letter to the president of the proper municipal board, who shall report it to the same, and shall order that there be exhibited to the public for the three following days a transcript of said copy, which shall be filed. The president and the secretary of the municipal board shall answer for the complete correctness of the copy.

The president of the provincial board shall also forward, by registered letter, similar copies to the authorities mentioned in the regulations.

Against resolutions issued by provincial boards by virtue of this temporary provision there is no other remedy but a complaint to the insular board.

On the date preceding the day fixed for the first elections which are to be held after the publication of this law, the municipal boards of the census shall meet and shall resolve upon the inclusion in the electoral lists of those who have requested it up to that date, and who prove with two witnesses that they possess the qualifications required by this law to be electors.

The persons included by virtue of these decisions or by the resolutions of the insular board shall exercise their right in the section to which their domicile corresponds.

Fourth. Until a new division into electoral districts for deputies to the Cortes in the territory of the islands of Cuba and Puerto Rico is made, the present division is hereby declared as remaining in force.

The insular boards of the electoral census shall make the division of the territory of the islands into districts and subdistricts for the election of representatives, in accordance with the royal decree of this date.

Madrid, November 25, 1897.

Approved by Her Majesty:

SAGASTA.

ARTICLES OF THE ELECTORAL LAW OF THE PENINSULA OF JUNE 26, 1890, IN THE MANNER THEY ARE TO BE APPLIED IN ACCORDANCE WITH ARTICLE 13 OF THAT OF CUBA AND PORTO RICO.

ARTICLE 4. The following are indispensable conditions in order to be admitted in the Congress as a deputy:

1. To possess the qualifications required by article 29 of the constitution on the day on which the election takes place in the electoral district.

2. To have been elected and proclaimed elect in an electoral district or by the Congress in accordance with the provisions of this law and with those of the regulations of the same body.

3. Not to be disqualified for any reason of personal incapacity whatsoever to obtain the office on the day the election takes place.

4. Not to be included in any of the cases of incompatibilities established by the law.

ART. 5. The following are disqualified to be admitted as deputies, although they have been validly elected:

1. Those who are included in any of the cases mentioned in article 2 of this law.

The rehabilitation mentioned in No. 2 of article 2 of this law must be obtained for eligibility to be a deputy at least two years before his election.

2. Contractors of works or public services which are paid with general, provincial, or municipal funds; those who, by virtue of such contracts, have claims pending of private interest against the administration and the bondsmen and copartners of said contractors. This incapacity shall only be understood in relation to the district or subdistrict in which the work or public service is rendered.

3. Those who are discharging or have discharged one year previously in the district or subdistrict in which the election is to be held, any employment, office, or commission appointed by the government, or who have exercised any authority of popular election, by which is understood presidents of deputations and deputies who, during the previous year, may have discharged the office of member of the provincial committees.

The secretaries of the Crown and the officials of the central administration of the islands and of the Peninsula are excepted.

The incapacities referred to in this number 3 are limited to the votes cast in the district or in the subdistrict, or where the authority or duties with which the deputy-elect has been invested are effective.

ART. 6. At any time a deputy becomes disqualified, after having been admitted into the Congress, for any of the reasons enumerated in article 5, he shall be declared disqualified, and shall immediately lose the office.

ART. 7. Those who are already in possession of the office of deputy to the Cortes can not be admitted in the same Congress by virtue of a partial election, if they have not renounced the same before the convocation of the district for said partial election.

ART. 8. The office of deputy to the Cortes is gratuitous and volununtary, and may be renounced before or after the oath has been taken; but the renunciation can not be admitted without the previous approval by the Congress of the certificate of the election.

ART. 22. In districts in which a deputy is to be elected, each elector can not validly give his vote to more than one person; when more than one person is to be elected up to four, he shall have a right to vote for one less than the number to be elected; for two less than the number if more than four are to be elected, and for three less if more than eight are to be elected.

ART. 37. The following candidates shall have a right to appoint supervisors for electoral committees of the sections included in the district or subdistrict:

1. The ex-deputies to the Cortes who may have represented the same district or any other one of the island.

2. Those who may have been candidates in the same district in previous elections and obtained at least one-fifth of the total number of votes cast.

3. The ex-senators elected for the island to which the district or subdistrict appertains.

4. The candidates for deputies to the Cortes nominated by means of petitions signed by the electors of the respective district or sub-district, or by notarial instruments, with the intervention of a competent official, the electors of which amount at least to one-twentieth of the total number of those included in the last list of the district or subdistrict.

ART. 73. A partial election for a deputy in one or more districts can only be held by virtue of a resolution of the Congress or because their representation is vacant in the Cortes.

ART. 74. For districts which, in accordance with this law, are to elect three or more deputies, it shall only be understood that the representation in the Cortes is vacant when for any reason whatsoever at least two of their deputies are absent.

ART. 75. The royal decree calling electoral colleges of one or more districts to a partial election of deputies to the Cortes shall be pub-

lished in the Gazette of Madrid within eight days counted from the date of the communication of the resolution of the Congress. In the same royal decree there shall be fixed the day on which the election is to be held, and this day can not be fixed before twenty or after thirty, counted from the date of the call. Simultaneously there shall be published the royal decree in the Gazettes of Havana and Porto Rico, according to the cases, the proper telegraphic message being sent to the respective governors-general of both Antilles.

ART. 76. The partial election shall be held on the day fixed by means of the proceedings and in the manner prescribed by this law for general elections.

ART. 77. The Congress making use of the prerogative appertaining to it by Art. 34 of the constitution, shall examine and judge of the legality of the elections through the proceedings fixed by its regulations, and shall admit as deputies those who appear to be legally elected and proclaimed in the districts, if they possess the capacity necessary to fill the office and are not included in the incompatibilities which the law declares.

ART. 78. In cases of ties in elections, if only one of the candidates tied has the legal qualifications to be a deputy, he shall be immediately proclaimed and admitted after the election has been approved.

The one shall also be admitted immediately and proclaimed by the Congress, who appears to be legally elected, if in the certificate there are any protests against the election of the other candidate or candidates tied.

In the absence of these differences, there shall be proclaimed as deputy from among the candidates tied:

1. The person who has filled the office the greatest number of times.
2. The person who has filled the same for the greatest period.
3. The senior in age.

ART. 79. The minutes of the board of examination of votes forwarded to the central board, in compliance with the provisions of art. 69, shall be delivered by the latter, as soon as received, to the office of the secretary of the congress, at whose disposal said board shall in any case have the other documents relating to electoral certificates.

ART. 80. Deputies-elect, or supposedly so proclaimed by the boards of examination of votes in general elections, must present the respective credentials within the period of two months, counted from the date of the assembling of the Cortes.

For those proclaimed in partial elections the period shall be counted from the day of their proclamation by the board of examination of ballots.

Persons who do not present their credentials within the periods established by this article shall be understood to have renounced their office, and consequently the vacancies of the corresponding district or college shall be declared after the congress decides on the legality of the election.

ART. 81. If the same person has been elected for two or more districts at the same time, he shall choose one of the same before the congress within the eight days following the approval of the last of his certificates, if he has at that time already been admitted as a deputy, or within thirty days otherwise.

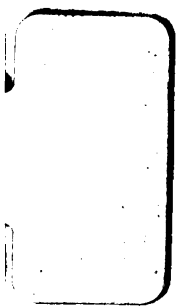
In the absence of an express option in either period, the district which appertains to him shall be decided by lot before the congress and the vacancy shall be declared with regard to the rest.

ART. 82. The electors and the candidates who may have taken part in an election may appear before the congress at any time before the approval of the respective certificate with the claims they may see fit to submit against the validity or result of the said election or against the legal capacity of the deputy-elect before the latter has been admitted.

ART. 83. When, in order to be able to estimate and judge as to the legality of an election protested against before the congress, it is deemed proper to make some investigations in the town where the election was held, the president of the chamber shall give and communicate directly the orders to the judicial authority of the territory to whom he may deem it proper to intrust the commission for the purpose, and the authority commissioned shall communicate with the same president in the discharge of his commission without requiring intervention from the Government.

ART. 84. After an election has been approved by the Congress and the deputy-elect has been admitted by the same, no claim whatsoever can be admitted nor can the legal qualifications of the deputy be questioned unless for reasons of incapacity subsequent to his admission.

Madrid, November 25, 1897.

Approved by Her Majesty.

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